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Attorneys for Defendant Enby LLC

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

BOYAJIAN PRODUCTS, LLC,

Plaintiff,

v.

ENBY LLC,

Defendant.

No. 3:20-cv-01991-HZ

DECLARATION OF  
FREDERIC B. JENNINGS  
IN SUPPORT OF DEFENDANT  
ENBY LLC'S MOTION TO DISMISS

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I, Frederic B. Jennings, declare as follows:

1. I am an attorney, and one of the attorneys for defendant Enby LLC in this action. I am over eighteen years of age and competent to testify to the facts set forth in this declaration. I make the following statements based on personal knowledge or from publicly available sources deemed reliable and whose accuracy cannot reasonably be questioned.

2. Attached as Exhibit 1 is a true and correct copy of the United States Patent and Trademark Office's public record of Application Serial No. 88282201, reflecting Boyajian's

application for the Standard Character Mark “ENBY.” The record is publicly available at:  
[https://tsdr.uspto.gov/#caseNumber=88282201&caseSearchType=US\\_APPLICATION&caseType=DEFAULT&searchType=statusSearch](https://tsdr.uspto.gov/#caseNumber=88282201&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch).

3. Attached as Exhibit 2 is a true and correct copy of an article in Allure magazine entitled, “I Tried the Enby, a New Sex Toy Designed to Fit the Needs of All Genders and Genitals,” by Kasandra Brabaw dated June 5, 2019. The article is also available at:  
<https://www.allure.com/story/enby-review-wild-flower-sex-toy-gender-free>.

4. Attached as Exhibit 3 is a true and correct copy of an article in Ask Men magazine entitled, “Wildflower Releases Enby, the First Gender-Neutral Sex Toy,” by Christina Majaski dated June 7, 2019. The article is also available at:  
<https://www.askmen.com/news/dating/wildflower-releases-enby-the-first-gender-neutral-sex-toy.html>.

5. Attached as Exhibit 4 is a true and correct copy of an article in Dezeen magazine entitled, “Wild Flower [sic] launches gender-neutral sex toy Enby for ‘all of life’s transitions,’” by Rima Sabina Aouf dated June 14, 2019. The article is also available at:  
<https://www.dezeen.com/2019/06/14/wild-flower-designs-gender-neutral-sex-toy-enby-for-all-of-lives-transitions/>.

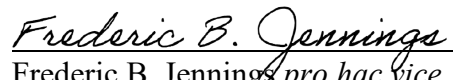
6. Attached as Exhibit 5 is a true and correct copy of an article in Men’s Health magazine entitled, “I Tried Masturbating With Enby, the New Sex Toy for All Genders,” Zachary Zane dated July 13, 2019. The article is also available at:  
<https://www.menshealth.com/sex-women/a28379861/enby-gender-neutral-sex-toy-review/>.

7. These materials are being provided for the court’s convenience with respect to defendant Enby LLC’s motion to dismiss.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF

PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 15th day of January, 2021, in Brooklyn, New York.

  
Frederic B. Jennings *pro hac vice*